

### **REMARKS**

This responds to the Office Action dated January 7, 2010.

Claims 165, 218, 252, and 260 are amended, no claims are canceled or are added; as a result, claims 165-167, 185, 218-220, 236, 252 and 256-261 remain pending in this application.

#### **Rejection of Claims Under 35 USC § 103**

Claims 165-167, 185, 218-220, 236 and 252 165-167, 185, 218-220, 236, 252, and 256-261 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pat. No. 5,621,456, Florin et al (hereinafter Florin) in view of Garneau et al. (US Patent 5,497,420), hereinafter, Garneau.

Claims 165, 218, 252, and 260 were amended and now include some of the limitations of the **allowed independent claims pending in a related patent application number 09/903,458.** These newly-added limitations are not disclosed by the cited combination of references. It is respectfully requested that the rejection be withdrawn.

#### **Rejection of Claims Under 35 USC §251**

Claims 165-167, 185, 218-220, 236, 252, and 256-261 were rejected as being based upon a defective reissue Declaration. Claims 165-167, 185, 218-220, 236, 252, and 256-261 were rejected under 35 U.S.C. §251 as being an improper recapture of broadened claimed subject matter.

These rejections were not sustained on Appeal. It is respectfully requested that the rejections be withdrawn.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.

P.O. Box 2938

Minneapolis, MN 55402--0938

(408) 278-4052

Date August 15, 2011 By /Elena Dreszer/

Elena B. Dreszer

Reg. No. 55,128

**AMENDED INDEPENDENT CLAIMS WITH MARK-UP**

165. (Currently amended) A method to facilitate placing an order for an item, the method comprising:

*at a source of a data stream, providing a series of time division multiplexed packets, ones of which contain auxiliary data that represent a video program, and others of which represent a distributed computing application associated with said video program, and wherein said distributed computing application is repetitively transmitted independent of receiving client computer apparatus during times that said video program is transmitted;*

*receiving an order request at a client system, the client system comprising a packet selector connected to said source for selecting and directing packets containing said auxiliary data representing said video program to a video signal processor and selecting and directing packets containing said associated distributed computing application to a further processor, said further processor including means to assemble said distributed computing application and execute said distributed computing application to form an interactive video program in which execution of said distributed computing application alters said video program;*

*automatically determining an item identity for an item to which the order request pertains;*

*automatically retrieving personal information previously stored ~~in a permanent memory in the client system~~, the retrieved personal information pertaining to a user associated with the client system; and*

*causing an order to be placed, the order including the item identity and the retrieved personal information.*

218. (Currently amended) A client system including:

an input terminal for receiving a packet data stream including packets of video signal time multiplexed with packets of data representing a distributed computing application which distributed computing application is repetitively transmitted independently of said client computer and at least one of the packets representing the distributed computing application includes a directory containing information inter-relating ones of the packets containing said distributed computing application;

a receiver, coupled to said input terminal, to receive the data stream including information related to an item, providing separate data streams of said video signal and said distributed computing application, extracting said directory packet and responsive to the directory, extracting packets containing said distributed computing application representative data; and

a processing unit, coupled to the data stream receiver, for assembling said distributed computing application and executing the distributed computing application comprising:

a system bus;

read/write memory, coupled to the system bus;

a data stream input/output adapter, coupled between the data stream receiver and the system bus, for receiving the extracted distributed computing application representative data from the data stream receiver, and storing it in the read/write memory, and having a control output terminal coupled to the selection control input terminal of the data stream selector, for producing the selection control signal; and

a processor, coupled to the system bus, for controlling the data stream input/output device to generate a selection control signal selecting a specified one of the plurality of data streams, and for assembling and executing the distributed computing application stored in the read/write memory.

[[a]] the processing unit to:

receive an order request;

automatically determine an item identity for the item utilizing the information related to the item;

automatically retrieve personal information previously stored ~~in a permanent memory in the client system~~, the retrieved personal information pertaining to a user associated with the client system; and

cause an order to be placed, the order including the item identity and the retrieved personal information.

252. (Currently amended) A machine-readable medium embodying a sequence of instructions that, when executed by a machine, cause the machine to facilitate placing an order for an item by:

at a source of a data stream, providing a series of time division multiplexed packets, ones of which contain auxiliary data that represent a video program, and others of which represent a distributed computing application associated with said video program, and wherein said distributed computing application is repetitively transmitted independent of receiving client computer apparatus during times that said video program is transmitted;

receiving an order request at a client system, the client system comprising a packet selector connected to said source for selecting and directing packets containing said auxiliary data representing said video program to a video signal processor and selecting and directing packets containing said associated distributed computing application to a further processor, said further processor including means to assemble said distributed computing application and execute said distributed computing application to form an interactive video program in which execution of said distributed computing application alters said video program;

automatically determining an item identity for an item to which the order request pertains;

automatically retrieving personal information previously stored ~~in a permanent memory in the client system~~, the retrieved personal information pertaining to a user associated with the client system; and

causing an order to be placed, the order including the item identity and the retrieved personal information.

260. (Currently amended) An interactive television system, the system including:

an input terminal for receiving a packet data stream including packets of video signal time multiplexed with packets of data representing a distributed computing application which distributed computing application is repetitively transmitted independently of said client computer and at least one of the packets representing the distributed computing application includes a directory containing information inter-relating ones of the packets containing said distributed computing application;

a receiver, coupled to said input terminal, to receive the data stream including information related to an item, providing separate data streams of said video signal and said distributed computing application, extracting said directory packet and responsive to the directory, extracting packets containing said distributed computing application representative data; and

a processing unit, coupled to the data stream receiver, for assembling said distributed computing application and executing the distributed computing application comprising:

a system bus;

read/write memory, coupled to the system bus;

a data stream input/output adapter, coupled between the data stream receiver and the system bus, for receiving the extracted distributed computing application representative data from the data stream receiver, and storing it in the read/write memory, and having a control output terminal coupled to the selection control input terminal of the data stream selector, for producing the selection control signal; and

a processor, coupled to the system bus, for controlling the data stream input/output device to generate a selection control signal selecting a specified one of the plurality of data streams, and for assembling and executing the distributed computing application stored in the read/write memory.

[[a]] the processing unit to:

receive an order request;

automatically determine an item identity for the item utilizing the information related to the item;

automatically retrieve personal information previously stored ~~in a permanent memory in the client system~~, the retrieved personal information pertaining to a user associated with the client system; and

cause an order to be placed, the order including the item identity and the retrieved personal information.